

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIC PASSMAN and ISHMAEL
ALVARADO, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

PELOTON INTERACTIVE, INC.,

Defendant.

Civil Action No. 1:19-cv-11711 (LJL)

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the annexed Declaration of Megan A. Behrman, dated March 4, 2022, the exhibits thereto, and the accompanying Memorandum of Law, dated March 4, 2022, the undersigned hereby moves this Court on behalf of Defendant Peloton Interactive, Inc. before the Honorable Lewis J. Liman in Courtroom 15C of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order dismissing the Third Amended Complaint (ECF No. 195) (i) pursuant to Rule 12(b)(1), or (ii) with prejudice and without leave to amend, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: March 4, 2022
New York, New York

Respectfully submitted,

LATHAM & WATKINS LLP

/s/ Steven N. Feldman

Steven N. Feldman

William O. Reckler

Lilia B. Vazova

Megan A. Behrman

Alexis Kellert Godfrey

1271 Avenue of the Americas

New York, NY 10020

(212) 906-1200

Steve.Feldman@lw.com

William.Reckler@lw.com

Lilia.Vazova@lw.com

Megan.Behrman@lw.com

Alexis.Godfrey@lw.com

William J. Trach

200 Clarendon Street

Boston, Massachusetts 02116

(617) 948-6000

William.Trach@lw.com

Attorneys for Defendant

Peloton Interactive, Inc.